

**ARCHITECTS SECTION MEETING
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND LAND SURVEYORS
MINUTES
APRIL 15, 2004**

PRESENT: Gary Gust, James Otto, Walter Wilson

EXCUSED: Arno Haering

STAFF PRESENT: Jerry Lowrie, Bureau Director; Colleen Baird, Legal Counsel; Pat Schenck, Program Assistant, and Division of Enforcement Staff.

GUESTS: Bill Babcock, AIA Wisconsin

CALL TO ORDER

James Otto called the meeting to order at 1:04 a.m. A quorum of three members was present.

AGENDA

Additions to the Agenda:

- Add Request for Reconsideration of Case 02 ARC 004 to Item 19
- Add Administrative Warning for Case 02 ARC 004 to Item 19. c
- Move Closed Session after Item 2.
- Item 13. Add a public member to the rules committee under 13 b.

MOTION: Gary Gust moved, seconded by Walter Wilson, to adopt the agenda with amendments. Motion carried unanimously.

ELECTION OF OFFICERS FOR 2004

The Architects Section held open elections for Board Officers for 2004.

MOTION: Walter Wilson moved, seconded by Gary Gust, to nominate James Otto, Chair. Motion carried unanimously

MOTION: Gary Gust moved, seconded by James Otto, to nominate Walter Wilson, as Vice Chair. Motion carried unanimously

MOTION: Walter Wilson moved, seconded by James Otto, to nominate Gary Gust, as Secretary. Motion carried unanimously

**APPOINT BOARD REPRESENTATIVES FOR SCREENING PANEL
2004 SCREENING PANEL APPOINTMENTS**

James Otto, Chair, called for Section members to serve on the screening panel.

James Otto, and Arno Haering will be serving on the screening panel in 2004.

MOTION: Walter Wilson moved, seconded by Gary Gust, to nominate James Otto to serve on the screening panel with Arno Haering. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 12, 2003

MOTION: Walter Wilson moved, seconded by Gary Gust, to approve the minutes of November 12, 2003 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT
JERRY LOWRIE, BUREAU DIRECTOR
SECTION ROSTER**

Noted.

2004 MEETING DATES

Next scheduled Architect Section meeting is on July 6, 2004.

James Otto requested that the Section's meetings be increased to four meetings per year in order to conduct business.

MOTION: Gary Gust moved seconded by Walter Wilson, that the Section would like to have four meetings scheduled per year to keep track of issues and to conduct business as soon as the budget situation makes it possible to schedule more meetings. Motion carried unanimously.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND
ADMINISTRATIVE RULES AND PRESS RELEASES**

Mr. Lowrie reviewed the summary reports on pending court cases, disciplinary cases and pending administrative rules to the new members of the Board.

**CHANGES TO ADMINISTRATIVE RULE-MAKING PROCEDURES REQUIRED IN
2003 WISCONSIN ACT 118**

Jerry Lowrie reported on the new "Changes to Administrative Rule-Making Procedures Required in 2003 Wisconsin Act 118." These changes will require more research regarding rule-making

procedures. Some changes include private sector fiscal estimates, additions to scope statements, additions to draft rule reports and additions to legislative reports.

CHANGES TO BLUE LICENSES

Beginning April 1, 2004 the blue renewal license form and the temporary license form will be changed to be the bottom third of a full-sized sheet of paper. It will have horizontal and vertical perforations so that it can be removed from the rest of the sheet.

The advantages of the new form are:

- use regular laser printers,
- there will be several security features in the paper we are purchasing including the watermark on the back and some invisible fibers,
- ability to print one mailing address at the top of the form and a different physical address on the actual license which will fix those situations where establishments can't get mail at the physical location, and
- it will give the Department some additional sequence numbering above the mailing address that will help in the machine inserting process at the Department of Administration.

REGULATORY DIGEST NEWSLETTER TOPICS

Mr. Lowrie requested ideas for articles and topics to be included in the Regulatory Digest Newsletter. It was noted that NCARB might have some issues that they would like to have included in the newsletter. Future continuing education issues may also be included in the newsletter.

TRAVEL

REPORT ON NCARB 2004 REGIONAL MEETING REGION IV & VI, SANTA MONICA, CA. MARCH 18-20, 2004 - JAMES OTTO

James Otto reported on the NCARB 2004 Region IV meeting he attended in Santa Monica, CA on March 18-20, 2004. Wisconsin is part of Region IV. Mr. Otto gave a brief overview of NCARB to the new members. Board members from different areas attend these meetings and this gives us a chance to see what the Boards of other jurisdictions are doing and issues they are facing. The Section stressed the importance of the Bureau Director's attendance at the Regional and Annual Meetings and to attend the meetings for member Board Executives. The 2004 NCARB Annual Meeting is June 23-26, 2004 in Portland OR. Mr. Otto and Walter Wilson will be attending this meeting.

NCARB PILOT PROGRAM

James Otto reported that attendance at these meetings depends on funding available for travel. The Department will fund one section member for one meeting per fiscal year. NCARB,

through the current Pilot Program will fund one board member to the annual conference. The Section would like Roxanne Peterson to make a request to Region IV for reimbursement for Jim Otto's expenses for the Regional Meeting. The remainder of the Region \$2,000 allotment should be requested after the Annual Meeting to cover travel expenses. \$2,000 of regional dues is earmarked to be returned to the Department for travel expenses. There should be approximately \$800 left from the \$2,000 allotted to our jurisdiction that wasn't spent from Mr. Otto's previous trip. The balance of funds may be used for Section members travel to the Annual Meeting. James Otto will file papers with NCARB as the official delegate for Wisconsin.

**APPOINT DELEGATE(S) TO ATTEND THE 2004 NCARB ANNUAL MEETING AND
CONFERENCE, PORTLAND HILTON AND EXECUTIVE TOWER, PORTLAND OR.
JUNE 23-26, 2004 (NCARB WILL FUND ONE BOARD MEMBER)**

MOTION: Gary Gust moved, seconded by Walter Wilson, to nominate James Otto as the voting delegate, and Walter Wilson as the second Section member if funding is available. Motion carried unanimously.

**2005 REGIONAL NCARB MEETING – WISCONSIN
PLANNING STATUS REPORT – JIM OTTO**

James Otto was elected the Vice Chair of NCARB Region IV on March 18, 2004. The 2005 Region IV meeting will be held at the Pfister Hotel in Milwaukee WI on March 10-12, 2005. The Region Administrator is handling all of the planning. Jerry Lowrie has a to-do-list for the two-day meeting on what the Department staff will need to provide. Two Department staff persons will be needed for the registration tables on Thursday from 3:00 p.m. to 6:00 p.m. before the Ice Breaker and Friday morning from 7:00 a.m. to 9:00 a.m.

The expense to the Department should be minimal. The registration fee is determined by the real costs and there is no profit. The Section discussed the cost of the registration fee so all members of the Section could attend. The registration fee has not been determined at this time.

Forensic architecture will be the focus of the program. Criteria for the program are professional development as regulators. Primary presenters have been selected, but the program is still under development.

**STATUTE/ADMINISTRATIVE RULES
RL 4.07 CHEATING ON EXAMINATION – REEXAMINATIONS**

Jerry Lowrie reported on the Department's universal cheating policy. The new RL 4 rule will create consistency and efficiency regarding discipline. Mr. Lowrie requested comments from the Section regarding the Department's new cheating rule. Boards will still use their discretion regarding discipline.

CONTINUING EDUCATION

The A-E Joint Board made a motion on April 15, 2004, that the Joint Board goes on record as having continuing education and enabling legislation a priority issue. One Board member opposed.

DISCUSSION OF FUTURE SECTION INITIATIVES

The Section discussed issues of importance for future discussion and whether or not they will have to make some rule changes. One issue will be the primary subject for each Section meeting.

Future issues for discussion are:

Continuing Education

Continuing Education – Redraft rule for the 2005-07 legislative session.

IDP Requirements for Registration by Comity

IDP requirements for registration by comity - Currently Wisconsin does not require IDP for comity. A number of other jurisdictions do require IDP for registration by comity and others are considering it. What does our current policy mean to our credential holders? If Wisconsin's requirements do not comply with the vast majority of jurisdictions, our credential holders may be tied into working solely in Wisconsin, because other states may not permit licensure by comity.

Reinstatement Rules

James Otto discussed the fee structure on reinstatements in Wisconsin and other jurisdictions. Wisconsin requires a \$25.00 late fee plus the current renewal fee, while many other states require licensees to pay fees from the date their license lapsed. It was agreed that this item will be taken off the list for any future discussion by the Section.

NAAB Degree Requirement

Many jurisdictions now require a professional degree before applying for licensure. Wisconsin only requires seven years of experience. Does Wisconsin want to eliminate the route to licensure without a candidate having a professional degree?

Prototypical Documents

Certain owners have requirements that design professionals use documents they have prepared. Wal-Mart, US Postal services, UPS, and most franchise businesses require the use of their base drawings. Design Professionals that accept a project that requires the use of photo typical documents are required to sign and seal work that wasn't completed under their supervision. Stamping someone else's work is in violation of Wisconsin's law. An Architect should not be sealing a document that was not under their direction or control. The Section may consider a rule change in accordance with NCARB guidelines.

Design Build

Issue of design build is a) who are we working for as the design professional and b) where are their allegiances and how does that protect the health, welfare, and safety of their jurisdictions? Architects normally work for the contractor and/or developer. A conflict of interest results when an Architect is requested to do something that infringes upon the health, welfare, and safety, and if they do not do what they are told by the client, they violate the contract. The Section may consider a rule change in accordance with NCARB guidelines.

Examination Review

NCARB does not allow the review of an examination due to security reasons so the Section would like examination review eliminated from the Architect Section's rules.

USE OF "ARCHITECTURE" BY ENTITIES OTHER THAN REGISTERED PROFESSIONALS

USE OF THE TERM "ARCHITECTURE" IN OTHER JURISDICTIONS BY OTHER ENTITIES

Mr. Otto discussed the issue of which organizations can use the term architect under current statutes and rules. At previous meetings, the question was raised regarding the Interior Architecture Design program at UW Stevens Point, WI. As discussed at the last meeting, DRL Staff will investigate the rules of other jurisdictions and report at the next meeting. The Section feels that inappropriate use of the title/term Architect by organizations other than an architecture entities may mislead the public into thinking that the organization is either licensed as an Architecture firm or educational institution. The Section is interested in strengthening WI. Stats. 443.02(3) to include entities in addition to individuals.

UNAUTHORIZED PRACTICE OF LAW UPDATE – JERRY LOWRIE

Discussion took place at the A-E Joint Board.

NCARB NCARB RESOLUTIONS

Mr. Otto discussed the drafts of resolutions that he will be voting on at the 2004 NCARB Annual Meeting in Portland OR on June 23-26, 2004. Mr. Otto will be the voting delegate for the Wisconsin Architect Section regarding these issues. Mr. Otto reviewed and discussed the issues with the Section members. The Section members will review the resolutions and contact Mr. Lowrie regarding their thoughts concerning the resolutions. Mr. Lowrie will contact Mr. Otto with their concerns, if any, prior to the June meeting in Oregon.

HOW ARCHITECTURAL BOARDS WORK TOGETHER

The Section reviewed the document (E-mail prepared by the NCARB Executive Director) explaining the inter-relationship of the boards and NCARB. Mr. Otto reported that at a previous Section meeting, a Board member questioned why Wisconsin would have to be a member of NCARB. If Wisconsin is not a member board (doesn't pay NCARB dues), we would not have

access to the ARE examination, data bases and other services. This would have extreme negative affects on our credential holders.

NCARB STRATEGIC PLAN

The NCARB Region IV Director would like a response to questions he submitted in a letter dated March 29, by the middle of May. The Section members and DRL Staff will forward any responses to Mr. Otto and Mr. Otto will prepare the response to the questions from NCARB.

SECTION MEMBER ACTIVITY IDP- SECTION MEMBER APPOINTMENT

Mr. Otto stated that we have not had an active intern development coordinator for the past two years. The students have no one to talk to while in school although it is a requirement for licensure.

MOTION: James Otto moved, seconded by Walter Wilson, to nominate Gary Gust as intern development coordinator. Motion carried unanimously.

NOMINATION OF A PUBLIC MEMBER TO THE RULES COMMITTEE

MOTION: James Otto moved, seconded by Gary Gust , to nominate Arno Haering as the Public Member on the A-E Joint Board Rules Committee. Motion carried unanimously.

PRACTICE ISSUES MISCELLANEOUS CORRESPONDENCE/INFORMATION

None

NEW BUSINESS

Bill Babcock, representing AIA Wisconsin, distributed a 2003 legislative agenda from AIA. Members of AIA Wisconsin have an interest in numerous public policy issues being addressed by local, state, and federal officials. This interest extends beyond proposed legislation and administrative rules that would directly affect the practice of architecture and the design and construction industry to include policies that will shape Wisconsin's overall quality of life, economic climate, natural environment and public health and safety. AIA's summary of issues include the state budget, state building code and plan review, licensure (education and experience requirements and continuing education), pre-construction lien law, sales tax exemption for construction materials, and other issues. 1400 individual bills were introduced during the 2001-02 session of the Wisconsin Legislature but only 109 of these legislative proposals were approved by both the Assembly and the Senate and signed into law by the Governor. Most of the attention was focused on the state budge and budget-repair proposals.

VISITORS COMMENTS

Bill Babcock thanked the Section for letting him participate throughout the meeting and invited the Section members to attend the AIA Convention in Madison. IDP-AIA workshop is from 4-5 p.m. on the first day. There is no registration fee.

PRESENTATION OF PROPOSED STIPULATIONS THAT MAY HAVE BEEN SUBMITTED AFTER MAILING OF AGENDA

None.

CLOSED SESSION

MOTION: Walter Wilson moved, seconded by Gary Gust, to convene the meeting in Closed Session pursuant to sections 19.85(1)(a), (b), (f) and (g), Wis. Stats.: to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person, and to discuss the case status report and case closings. Roll Call Vote: Gary Gust-yes, James Otto-yes, Walter Wilson-yes. Motion carried unanimously.

Open Session recessed at 1:15 p.m.

RECONVENE IN OPEN SESSION

MOTION: Walter Wilson moved, seconded Gary Gust, to reconvene in Open Session at 1:38 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Gary Gust moved, seconded by Walter Wilson, to accept motions made in closed session. Motion carried unanimously.

CASE CLOSINGS

REQUEST FOR RECONSIDERATION OF CASE 02 ARC 004

Kelly Cochrane presented an overview of case 02 ARC 004. This case was chosen to be re-reviewed. Case closed and referred to court system. Decision is to reopen the case and administer an administrative warning.

MOTION: Walter Wilson moved, seconded by Gary Gust, to re-open case 02 ARC 004 Terry J. Baranczyk. James Otto, case advisor. James Otto abstained. Motion carried.

ADMINISTRATIVE WARNINGS

02 ARC 004 TERRY J. BARANCZYK

MOTION: Walter Wilson moved, seconded by Gary Gust, to accept the administrative warning as written for case **02 ARC 004 Terry J. Baranczyk**. James Otto case advisor. James Otto abstained. Motion carried.

**REINSTATEMENT REQUESTS
HIMANSHU J. MODI**

MOTION: Gary Gust moved, seconded by Walter Wilson, to grant reinstatement of licensure in the matter of **Himanshu J. Modi**. Motion carried unanimously.

**PENDING APPLICATIONS
MONITORING
SUCH OTHER ITEMS AS AUTHORIZED BY LAW**

None.

ADJOURNMENT

MOTION: Walter Wilson moved, seconded by Gary Gust, to adjourn the meeting at 4:00 p.m. Motion carried unanimously

NEXT MEETING: July 6, 2004